

NOV-21-2013 17:38

P.02

AO 93 (Rev. 01/09) Search and Seizure Warrant

United States District Court
for the
Western District of New York

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

Facebook accounts associated with the following profile/user names:
ari.bauml (www.facebook.com/ari.bauml) and mnds.yabroody
(www.facebook.com/mnds.yabroody). These accounts are located on the
servers of Facebook, Inc., at 1601 California Avenue, Palo Alto, California
94304.

Case No. 13-M- 150

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or any attorney for the government requests the search of the following person or property located in the Western District of New York *(identify the person or describe the property to be searched and give its location):*

Facebook accounts associated with the following profile/user names: ari.bauml (www.facebook.com/ari.bauml) and mnds.yabroody (www.facebook.com/mnds.yabroody). These accounts are located on the servers of Facebook, Inc., at 1601 California Avenue, Palo Alto, California 94304.

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized):*

See attached Schedule of Items to be Seized, attached hereto as Exhibit A, and incorporated herein by reference, all of which constitute fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 2339A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant and for entry without compliance with the knock and announcement requirement.

YOU ARE COMMANDED to execute this warrant on or before December 4, 2013 *(not to exceed 14 days)*

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge H. Kenneth Schroeder, Jr.
(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

☐ for _____ days *(not to exceed 30)*.

☐ until, the facts justifying, the later specific date of _____.

Date and time issued: November 11, 2013 4:00pm


Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE
Printed name and Title

Defendant's
Exhibit A

ATTACHMENT A (Facebook Inc.)LIST OF ITEMS TO BE SEIZED

A. The search warrant will be presented to Facebook, Inc. personnel who will be directed to isolate the accounts for the Facebook profiles **ari.baum1** and **mnds.yabroody**. Facebook employees and/or law enforcement personnel trained in the operation of computers will create an exact duplicate of the accounts for the Facebook accounts **ari.baum1** and **mnds.yabroody**, including an exact duplicate of all information stored in the computer accounts and files described therein.

- a. All contact information, including full name, user identification number, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers, and, for any pertinent Facebook groups, group identification number, a list of users currently registered to the group, and Group Contact Info, including all contact information for the creator and/or administrator of the group and a PDF of the current status of the group profile page.
- b. All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them.
- c. All Neoprints, including profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.
- d. All other communications and messages made or received by the user, including all private messages, Facebook chat messages, and pending "Friend" requests.
- e. All IP logs, including all records of the IP addresses that logged into the account.
- f. All information about the user's access and use of Facebook Marketplace.
- g. The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number).
- h. All privacy settings and other account settings.
- i. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support

NOV-21-2013 17:38

P.04

services and records of actions taken.

B. Law enforcement personnel will thereafter review all information and records received from the Facebook Inc. employees to determine the information to be seized by law enforcement personnel. The information to be seized consists of communications of any type (messages, videos, hyperlinks, photographs, etc) that would constitute Providing Material Support to Terrorists.

WKA

11/21/13

ATTACHMENT B

PARTICULAR DESCRIPTION

For the period from March 1, 2013, to the present, Facebook user accounts associated with the user names/profile names: **ari.baum1** (www.facebook.com/ari.baum1) and **mnds.yabroody** (www.facebook.com/mnds.yabroody) located on the servers of Facebook, Inc., at 1601 California Avenue, Palo Alto, CA 94304.

AKA

11/23/13

UNITED STATES DISTRICT COURT
FILED
NOV 21, 2013
MICHAEL W. RUEMMER, CLERK
EASTERN DISTRICT OF PA

(Briefly describe the property to be searched or identify the person by name and address.)

Facebook accounts associated with the following profile/user names: ari.bauml (www.facebook.com/ari.bauml) and mnds.yabroody

(www.facebook.com/minds.yabrooz)

These accounts are located on the servers of Facebook, Inc., at 1601 California Avenue, Palo Alto, California 94304.

APPLICATION #

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Western District of New York (identify the person or describe property to be searched and give its location):

Facebook accounts associated with the following profile/user names: ari.bauml
(www.facebook.com/ari.bauml) and mnds.yabroody (www.facebook.com/mnds.yabroody).
These accounts are located on the servers of Facebook, Inc., at 1601 California Avenue,
Palo Alto, California 94304.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

Evidence, fruits and instrumentalities of crimes as more fully described in the affidavit attached hereto and incorporated herein.


The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- X evidence of a crime;
 _____ contraband, fruits of crime, or other items illegally possessed;
 _____ property designed for use, intended for use, or used in committing a crime;
 _____ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. §§ 2339A, and the application is based on these facts which are continued on the attached sheet.

which are continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

RANDALL E. GARVER, SPECIAL AGENT
Printed name and title

Sworn to before me and signed in my presence.

Date: November 21, 2013

Judge's signature

City and state: Buffalo, New York

H. Kenneth Schroeder, Jr., United States Magistrate Judge
Printed name and title

**Defendant's
Exhibit B**

Affidavit in Support of Application for a Search Warrant

I, Randall E. Garver, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed for over seven years. I served in the Cleveland Division for over three years, investigating gang, drug, and weapons offenses, and then transferred to the Washington Field Office where I worked gang and drug offenses. In September 2010, I was assigned to investigate global terrorist organizations operating against US interests in Afghanistan and Pakistan. In February 2013, I again transferred to Buffalo, New York where I have been assigned to investigate terrorism and related offenses against the United States. I have participated in numerous terrorism-related and criminal investigations, to include cases involving bombings of US facilities, kidnappings of U.S. citizens overseas, and crimes involving drugs, money laundering, stolen property, and weapons. I have been the affiant on several Title III wiretaps, criminal complaints, search warrants, and have seized property associated with these cases. I have testified before Grand Juries and at pre-trial hearings on numerous occasions, supervised the activities of informants, testified in a Federal trial, and have utilized orders of electronic interception granted by the Foreign Intelligence Surveillance Court in the course of terrorism investigations.

2. This affidavit supports an application in support of a search warrant, pursuant to Rule 41 of the Federal Rules of Criminal Procedure, and 18 U.S.C. § 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), to search the following accounts/premises, where your Affiant believes evidence of violations of 18 U.S.C. § 2339(A), that is Providing Material Support to Terrorists, now exists:

Facebook accounts associated with the following profile/user names: ari.baum1 (www.facebook.com/ari.baum1) and mnds.yabroody (www.facebook.com/mnds.yabroody). These accounts are located on the servers of Facebook, Inc., at 1601 California Avenue, Palo Alto, California 94304.

3. This affidavit is based on my personal knowledge, my review of records and other materials obtained during the course of this investigation, including source debriefings, information obtained during interviews, as well as information provided to me by other government personnel with knowledge relating to this investigation, particularly including my colleagues in Buffalo. Because this affidavit is for the limited purpose of setting forth facts sufficient to establish probable cause to search the Facebook pages of ARI BAUM and YABROUD (ABU MALIK), it does not include all of the pertinent facts that I have learned in the course of this investigation. BAUM is a resident of Buffalo, New York, though he is currently visiting associates in California. He came to the attention of the FBI several years ago when it was reported he traveled to the Middle East to attend a terrorist training camp. YABROUD is a Facebook friend of BAUM's and is otherwise unknown to the investigation. Based upon analysis of the page, however, it is assessed that YABROUD is in Syria and has direct access to Syrian rebel groups, to include the Al Nusra Front, an al Qaeda affiliated designated foreign terrorist organization (FTO).

4. Confidential Informant #1 (hereinafter "Source 1") and Confidential Informant #2 (hereinafter "Source 2") currently live in Buffalo, New York. Neither Source 1 nor Source 2 have any criminal history and are both friends with each other, and thus their reporting to the FBI is not

independent. As described further below, Source 1 and Source 2 were together at a local place of business when they encountered the subject of this affidavit. Source 1 reported the information to the FBI, which led the FBI to pursue an interview with Source 2. Neither Source 1's nor Source 2's information has been used in any criminal process (search warrants, complaints, etc). However, the FBI assesses both Source 1 and Source 2 to have provided truthful information which has been corroborated through records checks, independent source verification, and open source monitoring of the subject's Facebook page (viewing the targeted page). Information provided by Source 1 and Source 2 has never been found to be untruthful or misleading. For these reasons your Affiant believes Source 1's and Source 2's information to be reliable and credible.

5. Confidential Informant #3 (hereinafter Source 3) currently resides in Buffalo, New York, and does not have any criminal history. Source 3's information has never been used to obtain any type of criminal process, though the FBI assesses that Source 3 was very forthright and truthful with information provided. Source 3's information has been corroborated through records checks, independent source verification, and the same open source monitoring of the Facebook page of the subject of this affidavit. For these reasons, your Affiant believes Source 3's information is reliable and credible.

6. Confidential Informant #4 (hereinafter Source 4) currently resides in Buffalo, New York and was opened as an FBI informant in September 2013. Source 4 has a criminal history, having been arrested for theft of services in 2005. However no record of the charge appears in Source 4's captioned criminal history. On October 23, 2013, Source 4 was arrested for criminal possession of a knife (identified as a "camping knife" in the report) and possession of a small

quantity of marijuana (both misdemeanors in the state of New York). On November 4, 2013, Source 4 told your Affiant that the case will be dismissed upon the completion of community service. Source 4 had both a personal and online (Facebook) relationship with the subject of this affidavit. Source 4's information has never been used to obtain any criminal process or to further any proceeding. However, the FBI assesses Source 4 to have provided truthful information corroborated through records checks, independent source verification, and open source monitoring of the subject's Facebook page. Information provided by Source 4 has never been found to be untruthful or misleading. For these reasons your Affiant believes Source 4's information to be reliable and credible.

I. Background About Facebook

7. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

8. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

9. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

10. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "Mini-Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

11. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends"

can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

12. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, a user's "Photoprint" includes all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

13. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

14. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

15. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are

free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

16. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

17. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

18. Some Facebook pages are affiliated with groups of users, rather than one individual user. Membership in the group is monitored and regulated by the administrator or head of the group, who can invite new members and reject or accept requests by users to enter. Facebook can identify all users who are currently registered to a particular group and can identify the administrator and/or creator of the group. Facebook also assigns a group identification number to each group. Facebook uses the term "Group Contact Info" to describe the contact information for the group's creator and/or administrator, as well as a PDF of the current status of the group profile page.

19. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; Mini-Feed information; status updates; links to videos,

photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

20. Facebook also retains IP logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

21. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

II. Probable Cause

22. In 2010, the FBI received information that ARI BAUM, a resident of Buffalo, was suspected of having received training in an unspecified terrorist training camp while he traveled in the Middle East. In March 2010, upon returning from overseas travel, BAUM relocated to northern California and the allegations were investigated by the FBI's San Francisco field office. Ultimately the case was closed because the allegations could not be substantiated.

23. On May 1, 2011, during the course of the FBI San Francisco investigation, only a few hours after the announcement that Usama bin Laden was killed by US forces, the Fremont, California Police Department responded to a local restaurant. The restaurant management reported to Fremont Police that a "Middle Eastern male" customer, dressed in traditional Muslim dress (BAUM) told the waitress that the dinner he was having was the best he could have since it was his last meal. BAUM then left a Koran on the table, went into the bathroom and washed for about ten minutes. Upon BAUM's return to the table, he asked the waitress if he could leave his panel truck parked in their lot for the night since it was inoperable. Police officials summoned a bomb squad to inspect the truck, which was registered to another San Francisco terrorism case subject.

24. During the subsequent investigation, the waitress backed away from her original statement and said BAUM told the waitress that during life, people are destined to meet and have certain experiences, and the meal was one of those destined events. The waitress later said that the truck's lights did not work, which is why he asked to leave it there for the night.

25. Police interviewed BAUM, who told them that having the meal was part of fulfilling his destiny before his life was over. The police officer asked BAUM about previous travel and BAUM advised of having been to Yemen, but refused to say he had traveled anywhere else. Eventually BAUM told the officer he was asking too many questions and requested a lawyer.

26. During the course of the incident's investigation, BAUM's cellular telephone was searched and showed the following text message received by BAUM on April 23, 2011: "Jesus rose again today..ha..ha..ha. I heard you are being trained for being used as a terrorist."

27. In early March 2013, Source 1 contacted an FBI agent in the New York office (a personal associate) and told the agent that on February 28, 2013, Source 1 and Source 2 were approached by BAUM in a local place of business and engaged in a conversation. During the conversation, BAUM expressed his "willingness to die for a cause he believed in, as there is no greater glory to Allah."

28. On March 13, 2013, your Affiant interviewed Source 1, who advised the same – that on February 28, 2013, Source 1 and a friend, Source 2, were approached by BAUM, who wore loose fitting black clothing and a very full beard, and engaged the two in a conversation. During the conversation, BAUM told them that the Nazi party's dominance of German politics in the 1930s and 1940s is similar to the US government's current use of psycho-therapy drugs to control the American populace. BAUM lectured Source 1 and Source 2 about the events of the "Arab Spring" (2011) and the current situation in Syria. BAUM told both that they were "typical Americans" for their lack of knowledge of these events. BAUM recommended several YouTube

video clips that Source 2 believed to be propaganda films about the "Arab Spring" or the current situation in Syria. BAUM told Source 1 that "it is a shame you're afraid to die," and said several times "I am not afraid to die. Death is the greatest gift (one can give)." BAUM ended the conversation by telling both that he recently had returned from Syria.

29. On March 19, 2013, your Affiant interviewed Source 2 who advised noticing BAUM in the place of business wearing all black attire, his head shaved bald, a full beard, and traditional black Muslim hat (described to resemble a Pakistani Pakol hat). BAUM approached Source 1 and Source 2 (sitting together) and engaged the two in a conversation regarding the differences in Eastern and Western medicine. During the conversation, BAUM told them several times that "death is a gift." When Source 2 told BAUM he/she is not very current about the situation in Syria, BAUM said Source 2 "should get informed and educated." Source 2 recalled BAUM saying he had been in Syria for a period of time (possibly two years, but Source 2 advised BAUM may have only said one year). BAUM said he traveled extensively through the Middle East and possibly to parts of North Africa.

30. On April 10, 2013, your Affiant interviewed Source 3 who said that BAUM was currently (at the time of the interview) in Morocco for Islamic study. Source 3 told the FBI that BAUM resided in Yemen for a year and traveled to Syria for a few months. About a month prior to the interview, BAUM attempted to again travel to Yemen, but the travel was denied (Source 3 did not know why). Source 3 said BAUM was diagnosed as bi-polar, but has not taken medication in several years. Source 3 said BAUM is a devout Muslim and is fixated on converting family and friends to Islam, which is why some people are made uncomfortable by his proselytizing. Source 3

also told your Affiant that he/she does not believe BAUM is dangerous and does not pose a threat to national security.

31. On June 27, 2013, your Affiant interviewed Source 4 who met BAUM at a local place of business about six months prior to the interview. BAUM told Source 4 that his/her "behavior [was] inappropriate" because Source 4 was speaking with "many [men or women] who are not [his/her] [husband/wife]." Source 4 continued the conversation and later became Facebook friends with BAUM on ari.baum1.

After becoming Facebook friends with BAUM, Source 4 noticed that BAUM's posts became more "extreme, aggressive, and concerning" regarding religion. Source 4 became concerned and thought BAUM could be a danger (threat to national security). Source 4 once posted a picture on his/her Facebook page showing Source 4 and his/her friend, to which BAUM, from ari.baum1, commented "walking dead." BAUM also made disparaging remarks about Source 4's friend, which prompted Source 4 to reply back. Eventually, BAUM replied to Source 4, from ari.baum1, "careful of your tongue, denier." Based upon your Affiant's experience, BAUM's use of the word "denier" in this context is significant. Your Affiant believes "denier" was used by to slander Source 4 by claiming Source 4 does not accept the tenets of Islam – that Allah is god and Muhammad is god's only prophet. Source 4 has heard BAUM speak of his fundamentalist views on religion and on women's role in society. Source 4 said BAUM appeared to become very "jumbled" and "ranting" when upset or passionate about an issue. When that occurs, BAUM's Facebook posts become less coherent and inarticulate.

32. On July 10, 2013, Source 4 told your Affiant that he/she recently sent BAUM a private message on Facebook seeking clarification about a message BAUM sent Source 4 saying that he/she would someday submit to Islamic law. Source 4 wrote a private message regarding the separation of church and state in the US and told BAUM in the post that he/she would never become a Muslim. BAUM wrote Source 4 back from ari.baum1 and said that his previous post (about submitting to Islamic law) was a reference to the return of the Imam Mahdi, which your Affiant understands the Mahdi to be the 12th Imam whose return to Earth will coincide with the return of Jesus Christ to Earth to engage in a war against non-believers.

Source 4 said he/she once spoke to a 17 year old girl at the same place of business where he/she met BAUM who said BAUM told her that he wanted the 17 year old girl to become BAUM's wife. The girl told Source 4 she was very uncomfortable with BAUM.

33. On August 12, 2013, Source 4 told the FBI that BAUM was attempting to return to the US from his overseas travel. BAUM and Source 4 engaged in a brief online conversation over Facebook chat; during the conversation BAUM told Source 4 he was still in France because he was on the no-fly list. Source 4 noticed BAUM's Facebook status on ari.baum1 was listed as "too dangerous to fly."

34. During the spring and summer of 2013, pursuant to this investigation, the FBI began to periodically view BAUM's Facebook page, ari.baum1. On July 19, 2013, BAUM shared a picture that was originally posted by a Facebook friend of his named "Aneeka Khan" (an individual unknown to the investigation) of an unknown man sitting at a table holding an AK-47 rifle speaking to an unknown woman. The two appeared to wear military attire and three

individuals were located behind the two wearing black robes and carrying rifles. The photograph had the caption "husband and wife fighting for islam!!" When BAUM reposted the photograph on ari.baum1, he commented "...the most beautiful photos I have ever seen!!!"

35. Analysis of the ari.baum1 showed that throughout his latest trip to North Africa and the Middle East (May – August 2013), BAUM posted the following locations of his travel:

May 9 – Morocco, May 12 – Chefchaouen, Morocco, May 27th – Egypt, May 29th – Cairo, Egypt, May 31st – Egypt;
 June 14th – Istanbul, Turkey, June 21st – Turkey, June 23rd – Ankara, Turkey, June 27th – Istanbul, Turkey;
 July 8th – Istanbul, Turkey, July 10th – Istanbul, Turkey, July 13th – Abu Dhabi, United Arab Emirates (UAE), July 15th – Dubai Mall, UAE, July 17th, 18th, 20th, 22nd, and 25th – Dubai, UAE;
 August 3rd – Dubai, UAE, August 4th, 7th, and 8th – France, July 11th and 12th – Paris, France;
 August 14th – Buffalo, NY.

36. On August 13, 2013, BAUM returned to the US, entering at Kennedy International Airport (JFK), New York, NY, on a flight from Paris, France (from Charles de Gaulle International, CDG). Officials from US Customs and Border Protection (CBP) interviewed BAUM and he said he left the US in March 2013 and flew to Casablanca, Morocco. While on the trip, he traveled to various cities in Morocco to "study," said it was a "break," and added that he was "exploring," and wished to "look into marriage." Later in the interview, BAUM said he did

not study in Morocco and could not name the university where he attempted to study. BAUM said he stayed with a friend in Morocco but refused to name the individual. BAUM said his father wired him around \$10,000 for expenses while there. BAUM told CBP that he also visited Egypt, Turkey, and the UAE during the trip. He said he wanted to go to Yemen, but could not "get in." BAUM planned to visit a friend in Yemen he met on a previous trip in 2008, but would not name the individual; he told CBP that the friend in Yemen was one of his Facebook "friends" (presumably on ari.baum1). BAUM further told CBP that he flew from Dubai to Paris to return to the US. However, on August 4th, BAUM ascertained that he was on the "no fly" list, and was eventually removed so that he could fly home. BAUM told CBP that he knew his family members had been interviewed by the FBI in Buffalo based upon statements he made to two former friends in a coffee shop earlier in the year. A review of BAUM's passport showed previous travel to Yemen in 2008 and 2009 (from visas and entry/exit stamps).

37. In September 2013, one of BAUM's friends on ari.baum1, whose Facebook page name is mnds.yabroody (and further named "Sniper from Yabroud (Abu Malik)), came to the attention of the FBI. In the profile picture on mnds.yabroody's page, there is an individual aiming a rifle (possibly M-4 or M-16 assault rifle) with a scope, and in the background are photographs of terrorist leaders: Abu Musab al-Zarqawi (the former leader of Al Qaeda in Iraq who was killed by US forces in Iraq on June 7, 2006), Ayman al-Zawahiri (current leader of Al Qaeda, former deputy to Usama bin Laden), and Usama bin Laden. The FBI's translator noted that Yabroud (in the account owner's profile name) is a Syrian rebel-held town in southwest Syria, near the Lebanese border, about 50 miles from Damascus. The area is known as an active smuggling route from

Lebanon for rebels. The town is a strong-hold of anti-Syrian government rebels and key fighting has taken place there with the Syrian government forces.

38. A translation of **mnds.yabroody**'s page listed the following for work and education: "Jihad for the cause of God," "Revolution," and "Freedom School, Damascus, Syria." "Sniper" (**mnds.yabroody**) liked the "Lions of War Brigade – Aleppo," which your Affiant believes is a Syrian rebel group fighting the current Assad government (Aleppo is a city in northwestern Syria near the Turkish border). "Sniper" (**mnds.yabroody**) follows (on Facebook) "God Only Free Syria," "We Want Homs," and "Reporters Without Borders." Your Affiant is not aware of any official groups known as "God Only Free Syria," or "We Want Homs," but notes the following likely shows support for the Syrian rebels based upon the group names and city (Homs is a city near the Lebanese border where a lot of fighting has occurred between government forces and the rebels).

39. The translation of the page showed that **mnds.yabroody** "likes" the following on Facebook: "Islamic State of...", which the translator noted as a logo with the text cut off. However, the logo is identifiable with the al-Qaeda affiliate known as the Islamic State of Iraq and Levant. "Sniper" (**mnds.yabroody**) also "liked" the pages of Army of Islam/Ansar al-Sunna, Visions Promising Imminent Succession and the Mahdi, Syrian Revolution Against Basher al-Assad, and the Algerian Cooperation to Support the Syrian Revolution. Your Affiant believes, based upon these affiliations, the owner of **mnds.yabroody** ("Sniper") is sympathetic to the Syrian rebels fighting the Syrian government.

40. On the page, **mnds.yabroody** writes his own postings about events with the rebels, and shared postings from other Facebook accounts that exclusively cover current events in Syria with a bias in favor of the rebels and against the Syrian regime. On May 13, 2013, **mnds.yabroody** shared a video response to the media by a fighter whose video clip was shown worldwide eating the heart of a Syrian soldier after killing him. On May 19, **mnds.yabroody** wrote a comment to the people of al-Qalamun (Syria's third-largest city located between Damascus and Homs) to help save the city of Qasayr or their turn is next (Qasayr is a key city on the supply line lost by rebels after a fierce fight with Syrian government forces who were allied with Hizballah fighters). Your Affiant believes that **mnds.yabroody** posted the message as a warning to the people of al-Qalamun, asking them to support rebels in Qasayr, otherwise the Syrian army will next target al-Qalamun. **mnds.yabroody** also sent several messages during the fight in Qasayr until the battle was lost in early June providing updates, pictures of fighters, and encouraging fighters to take up arms against the government and Hizballah forces.

41. On June 13, **mnds.yabroody** quoted "Sheikh Hassan" saying it is the time of jihad with self, money, and arms in Syria – it is time to consider the war in Syria the war of the Islamic nation. Based upon a June 30 post, it appeared that **mnds.yabroody** arrived in Syria saying that he kissed the ground of his country and that he came for the revolution of his freedom and dignity. On July 1, **mnds.yabroody** wrote that 50 people carrying the Islamist flag circled the courthouse in Yabroud as their leader gave a speech where he belittled them for being unbelievers, having their women naked, and having crosses raised as high as their Mosques. **mnds.yabroody** wrote that towns people and members of the Free Syrian Army stood fearful of the speaker, but **mnds.yabroody** liked what he heard. On July 7, **mnds.yabroody** wrote that some in Yabroud hid

in the city and just shot their guns in the air, but they were not prepared for an attack by the Syrian army. On July 17, mnds.yabroody shared a video with writing on the top saying that the Islamic caliphate is expected no matter who wants it or does not. mnds.yabroody also wrote that friends of his have died in the fight against the government forces and that he wishes to see leaders like those in the history of Islam and stressed his commitment to his religion.

42. On August 9, mnds.yabroody wrote of his frustration that a planned rebel bombing of a target was called off because the Emir did not get an edict from religious leaders approving it. A post on August 17 shared a picture of a speech from Abu Yahya, the assistant leader of the al-Battar Brigade, followed by a video regarding the group's training the next day. Your Affiant notes that the al-Battar Brigade is an al-Qaeda affiliated group operating primarily in Morocco. On August 23, mnds.yabroody addressed Bashar al-Asad (current leader of Syria), writing that he (mnds.yabroody) can kill Syrian children indiscriminately since every Alawite, Shiite, and Iranian child, seniors and women are going to die. Your Affiant notes that the Alawites are a Shia minority group in Syria, Turkey, and Lebanon. Your Affiant believes the post was intended to state that all people should be willing to die in the fight against the Syrian government, since the rebels were.

43. On August 26, mnds.yabroody expressed that when it came time to plant, they called for God's help, and when it became plentiful, they called for America. mnds.yabroody wrote that he expected that when the harvest comes, they will call for the west. Your Affiant believes this is a reference to mnds.yabroody wishing to attack western targets when his group is capable.

44. On August 28, **mnds.yabroody** criticized Syrian human rights leader Mohammad al Abdallah and wrote that the Al Nusra Front will not hide from the rockets of America like Abdallah will. Your Affiant notes that the Al Nusra Front is a Sunni Islamic mujahideen group, and al Qaeda affiliate, with the goal of overthrowing the Assad regime in Syria and establishing a Pan-Islamic state under Sharia Law and reinstating the caliphate. The group has stated that the US and Israel are both enemies of Islam. On September 6, **mnds.yabroody** posted a photograph of a dead individual who **mnds.yabroody** identified as an Al Nusra martyr.

45. On September 17, **mnds.yabroody** stated that there is no Syrian Free Army and warned against saying anything against the mujahedeen. In a September 19 post, **mnds.yabroody** stated that he is part of a group in Syria fighting for God and to establish the Islamic caliphate. He criticized another unnamed group claiming it to be uncalculating and irresponsible.

46. Based upon what your Affiant has viewed on **mnds.yabroody** ("Sniper"), the owner/user is located in Syria and is a member of, or has direct access to, Syrian rebel fighters. The FBI assesses that **mnds.yabroody**'s page advocates for the overthrow of the Assad regime and is affiliated with, "follows," or "likes" various al Qaeda-affiliated groups (Al Nusra Front, al-Battar Brigade, and Al Qaeda in Iraq).

47. The purpose of this investigation is to assess whether or not BAUM is providing Material Support to Terrorists in violation of 18 U.S.C. § 2339(A). To that end, in addition to employing the usual investigative techniques employed, in summer 2013, the FBI began to view BAUM's publicly accessible Facebook page (**ari.baum1**) to corroborate information provided by

sources about BAUM's overseas travel and activities. In mid-September 2013, BAUM suddenly restricted the content on ari.baum1 and the FBI lost the ability to view his posted photographs and timeline. Viewing ari.baum1 directly led the FBI to become aware of mnds.yabroody, but nothing else can be assessed about the nature of the relationship. Based on the content discussed herein, your Affiant believes probable cause exists that evidence necessary to meeting this investigation's objectives is on the ari.baum1 and mnds.yabroody Facebook pages. Based on the review of the mnds.yabroody page, your Affiant believes the owner of the page is located in Syria, is engaged as a militant, and is possibly aligned with the Al Nusra Front and other militant groups. Your Affiant does not know if the owner of mnds.yabroody is a threat to US interests and national security; however, the fact that BAUM is a Facebook friend of his is of great importance to this investigation. This affidavit seeks a warrant to search both targeted accounts for the content of all communications, the list of friends, photographs/videos, timelines, items they "like" and "follow," and of particular interest, who invited whom to become Facebook friends. Your Affiant believes it would be of great significance, considering all the circumstances regarding BAUM and his overseas travel, if the owner of mnds.yabroody invited BAUM to become Facebook friends because it would show the possibility of recruitment and radicalization of BAUM. The FBI needs to determine whether or not BAUM intends to travel overseas to train or fight with a militant group targeting US interests, send money or other support to the same, or if he has already been trained and is seeking to recruit, support, or otherwise attack US interests inside the homeland. A detailed search of the content on ari.baum1 and mnds.yabroody is essential to assess BAUM's intentions and to accomplishing this investigation's objectives.

Procedures for the Search Facebook

48. Based on my training and experience, I know the following about Facebook, other social networking sites and internet service providers:

- a. Facebook is a social networking website which is free and available to Internet users;
- b. Facebook maintains electronic records pertaining to the individuals and companies for which they maintain subscriber accounts. These records include account access information, electronic transaction information, and account application information;
- c. Subscribers to the Facebook may access their accounts on servers maintained and/or owned by the company from any computer connected to the Internet located anywhere in the world;
- d. When the subscriber sends a message, makes a post, adds a photograph or video, or sends a "friend" request, it is initiated at the user's computer and then transferred via the Internet to the server of Facebook;
- e. A subscriber to Facebook can store files, including messages, video, and image files, on servers maintained and/or owned by Facebook; and
- f. A subscriber may store messages and/or other files on the Facebook server for which there is insufficient storage space in the subscriber's computer and/or which the subscriber does not wish to maintain in the computer in his residence or internet-enabled device. As a result, a search of the files in the computer in the subscriber's residence or of the subscriber's internet-enabled device will not necessarily uncover the files that the subscriber has stored on the Facebook server.

49. I am trained and experienced in identifying communications relevant to the crimes under investigation, but the personnel at Facebook are not. I also know that the manner in which the data is preserved and analyzed may be critical to the successful prosecution of any case based upon this evidence. Computer Forensic Examiners are trained to handle digital evidence, but employees of Facebook are not. It would be inappropriate and impractical, however, for federal

agents to search the vast computer networks of Facebook for the relevant accounts and then to analyze the contents of those accounts on the premises of those companies. Further, the impact on the business of Facebook would be severe.

50. Accordingly, executing a warrant to search a Facebook account on their premises requires an approach similar to any detailed physical search. Searching the subjects' Facebook accounts in this case for evidence of the target crime will require that agents cursorily inspect all data produced by Facebook in order to ascertain which contain evidence of that crime, just as it is necessary for agents executing a warrant to search a filing cabinet to conduct a preliminary inspection of its entire contents in order to determine the documents which fall within the scope of the warrant. In addition, keyword searches alone are inadequate to identify all of the information subject to seizure, because keywords search text, but many common electronic messages, photographs, videos, "friend" lists, and attachments may contain database application files, or hyperlinks to other websites, which do not store data as searchable text.

51. In order to facilitate seizure by law enforcement of the records and information sought from Facebook through this affidavit and application with a minimum of interference with the business activities of Facebook, to protect the rights of the subject of the investigation, and to effectively pursue this investigation, this application seeks the issuance of a warrant that would permit employees of Facebook to assist agents in the execution of this warrant, in accordance with the procedures described in Attachment A to the warrant, which is hereby incorporated into this affidavit. In accordance with the procedures described in Attachment A to the warrant:

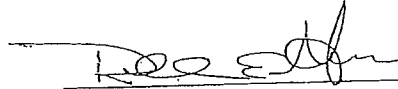
- a) The search warrant for Facebook accounts will be presented to Facebook personnel, who will be directed to isolate the accounts **ari.baum1** and **mnds.yabroody**.
- b) In order to minimize any disruption of computer service to innocent third parties, Facebook employees and/or law enforcement personnel trained in the operation of computers will create and provide to law enforcement personnel in electronic form an exact duplicate of the identified accounts and all information stored in those accounts.
- c) Law enforcement personnel will thereafter review all information and records received from Facebook employees to determine the information to be seized by law enforcement personnel.
- d) The information to be seized consists of communications pertinent to collection of evidence of the targeted criminal offense annotated in this affidavit.

52. Based on the foregoing, there is probable cause to believe that within the contents of electronic files related to the Facebook accounts **ari.baum1** and **mnds.yabroody** maintained by Facebook, Inc., headquartered at 1601 California Avenue, Palo Alto, California 94304, there are communications, messages, and other information related to Providing Material Support to Terrorists, in violation of Title 18 U.S.C. § 2339(A).

53. Wherefore, I request the issuance of a search warrant pursuant to Rule 41 of the Federal Rules of Criminal Procedure to search the Facebook accounts detailed herein, and orders directed to Facebook allowing agents to seize the data on the Facebook accounts and other information stored on the servers of Facebook for the accounts identified above, in accordance with the search procedure described in Attachment A.

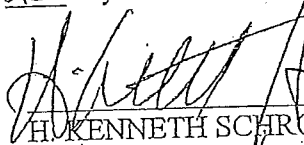
54. Since this investigation is continuing, disclosure of the search warrant, this affidavit, and/or this application and the attachments thereto will jeopardize the progress of the

investigation. Accordingly, I request that the Court issue an order that the search warrant, this affidavit in support of application for search warrant, the application for search warrant, and all attachments thereto be filed under seal until further order of this Court.



Randall E. Garver
Special Agent, Federal Bureau of Investigation

Subscribed to and sworn before me on this 21st day of November 2013.



KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A. (Facebook Inc.)

LIST OF ITEMS TO BE SEIZED

A. The search warrant will be presented to Facebook, Inc. personnel who will be directed to isolate the accounts for the Facebook profiles ari.baum1 and mnds.yabroody. Facebook employees and/or law enforcement personnel trained in the operation of computers will create an exact duplicate of the accounts for the Facebook accounts ari.baum1 and mnds.yabroody, including an exact duplicate of all information stored in the computer accounts and files described therein.

- a. All contact information, including full name, user identification number, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers, and, for any pertinent Facebook groups, group identification number, a list of users currently registered to the group, and Group Contact Info, including all contact information for the creator and/or administrator of the group and a PDF of the current status of the group profile page.
- b. All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them.
- c. All Neoprints, including profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.
- d. All other communications and messages made or received by the user, including all private messages, Facebook chat messages, and pending "Friend" requests.
- e. All IP logs, including all records of the IP addresses that logged into the account.
- f. All information about the user's access and use of Facebook Marketplace.
- g. The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number).
- h. All privacy settings and other account settings.
- i. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support

services and records of actions taken.

B. Law enforcement personnel will thereafter review all information and records received from the Facebook Inc. employees to determine the information to be seized by law enforcement personnel. The information to be seized consists of communications of any type (messages, videos, hyperlinks, photographs, etc) that would constitute Providing Material Support to Terrorists.

ATTACHMENT B

PARTICULAR DESCRIPTION

For the period from March 1, 2013, to the present, Facebook user accounts associated with the user names/profile names: ari.baum1 (www.facebook.com/ari.baum1) and mnds.yabroody (www.facebook.com/mnds.yabroody) located on the servers of Facebook, Inc., at 1601 California Avenue, Palo Alto, CA 94304.

Larkin at Exchange
726 Exchange St, Suite 400
Buffalo, New York 14210



**U.S. Customs and
Border Protection**

Date: 05/14/2014

MEMORANDUM FOR: Paul J. Campana, AUSA

From: Supervisory CBP Officer Jeffery Ulrich

Subject: Ari Baum (DOB [REDACTED])

On 05/13/2014 at approximately 0700 hours, I interviewed Ari Baum (DOB [REDACTED]) at the Peace Bridge in Buffalo, NY during his border inspection. Mr. Baum stated that his current trip began in January of 2014 when he flew to China to attend Kung-Fu training at a school named Shaolin. After a month and a half in China, Mr. Baum flew to Casa Blanca, Morocco where he stayed at the East-West Hotel. While there he met with his friend Saleem Mohamed. Saleem and Baum attended the same school together, Dar Uloom Mustafa in Yemen approximately 3 years ago. Baum provided that he was in TIME magazine because he was present at the school while TIME was there to do a story about the leader of the school, Habib Omar. Baum stated that his United States passport expired and that when he went to the United States Embassy in Casa Blanca to get a new passport, the people at the embassy told him that he could not be given a new passport because of the fact that he had an active warrant for his arrest in the United States. The embassy did give him an emergency passport to return the United States. He flew from Morocco to Frankfurt, Germany on 05/12/2014 and then to Toronto Canada where his father met him. They returned to the United States at the land border in Buffalo, NY on 05/13/2014 to turn himself into the United States authorities.

Baum stated that on previous travel he had visited Malaysia, Egypt, Turkey, Abu Dhabi, Syria and the United Arab Emirates. Baum stated that had spent about 3 months in Kuala Lumpur, Malaysia. His trip to Egypt was short, he believed one or two days. Baum stayed in Turkey for a couple weeks and Abu Dhabi and the UAE for about one day each. His travel to Syria was to attend school at Abu Nur in Damascus, for 3 months.

Baum stated that he is married but not legally married to a girl who lives in Canada. He claims to have been married for 6 months but would not provide her name.

Baum was asked about any additional travel and stated that he had traveled to California. He provided that he had a 5th Wheel trailer in the city of Paradise, CA. Baum stated that he did not wish to answer any additional questions without his attorney present, and the interview was terminated at that time.

**Defendant's
Exhibit C**

**GOVERNMENT
EXHIBIT**

3